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10 Attorneys for Defendant  
11 **MUTEE AL-GHAFFAAR**

12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 vs.

17 MUTEE AL-GHAFFAAR,

18 Defendant.

Case No. CR 14-548 WHO

**STIPULATION AND  
ORDER TO CONTINUE TRIAL  
SETTING OR CHANGE OF PLEA TO  
DECEMBER 10, 2015**

19 The United States of America, by and through its attorney of record, and defendant  
20 Mutee Al-Ghaffaar (“defendant”), by and through his attorney of record, jointly request that the  
21 scheduled court date of October 29, 2015 be vacated and that this matter be continued to  
22 December 10, 2015 at 1:30 p.m. to enable the government and the defense (1) to meet and  
23 confer regarding the re-tests of the evidence and (2) to review the Modified Probation  
24 Presentence Report e-filed on October 23, 2015. The parties hereby stipulate as follows:

25 1. On October 1, 2015, the defense provided the government with the name and  
26 address of the second expert who would be performing the qualitative and quantitative analysis  
27 of the controlled substance exhibits the government intends to introduce in its case-in-chief.  
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1 The defense requested a meeting with government's counsel prior to the DEA Laboratory's  
2 mailing of the representative samples to the second defense expert.

3 2. The parties met on October 7, 2015, and the representative samples were mailed  
4 via overnight Federal Express to the second expert's laboratory on October 13, 2015.

5 3. On October 14, 2015, the second defense expert received the representative  
6 samples. Later that same day, the defense informed the government that the second expert  
7 would not be able to perform the analysis and that the defense would need to retain the services  
8 of a third forensic toxicologist to perform the re-tests.

9 4. On October 15, 2015, the defense provided the government with the name and  
10 address of the third expert.

11 5. On October 20, 2015, the parties entered into discussions regarding the re-  
12 testing procedures. Those discussions are ongoing.

13 6. For the reasons stated above, the parties stipulate and agree that this matter  
14 should be continued to December 10, 2015 at 1:30 p.m., and that the failure to grant such a  
15 continuance would unreasonably deny the defendant the reasonable time necessary for effective  
16 preparation, taking into account the exercise of due diligence. The parties further stipulate and  
17 agree that the time from October 29, 2015 to December 10, 2015 should be excluded on the  
18 basis that the ends of justice are served by taking such action which outweigh the best interest

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1 of the public and the defendant in a speedy trial and for effective preparation of counsel, taking  
2 into account the exercise of due diligence, under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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4 DATED: October 26, 2015

Respectfully submitted,

5 BRIAN J. STRETCH  
Acting United States Attorney

6 /s/

7  
8 DEBORAH R. DOUGLAS  
Assistant United States Attorney

9 /s/


10 RICHARD HULLINGER  
11 GARRICK S. LEW  
Attorneys for Defendant

12  
13 ORDER

14 Upon the parties' stipulation, and GOOD CAUSE appearing, IT IS HEREBY  
15 ORDERED that the court date of October 29, 2015 shall be vacated and that this matter shall be  
16 continued to December 10, 2015 at 1:30 p.m. for trial setting or change of plea. IT IS  
17 FURTHER ORDERED that the time from October 29, 2015, to December 10, 2015 shall be  
18 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.  
19 §§ 3161(h)(7)(A) and (B)(iv). The Court finds that (A) failure to grant the continuance would  
20 unreasonably deny the defendant the reasonable time necessary for effective preparation, taking  
21 into account the exercise of due diligence; and (B) the ends of justice served by the continuance  
22 outweigh the best interests of the public and the defendant in a speedy trial.

23 **IT IS SO ORDERED.**

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25 Dated: October 28, 2015

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HONORABLE WILLIAM H. ORRICK  
UNITED STATES DISTRICT JUDGE